

Indiana Department of Education

Division of Exceptional Learners

### ***COMPLAINT INVESTIGATION SUMMARY***

COMPLAINT NUMBER:	1964.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	October 17, 2002
DATE OF REPORT:	November 15, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 4, 2002

### **COMPLAINT ISSUES:**

Whether the Merrillville Community School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-25-3 by failing to evaluate the student to determine the existence, nature, and extent of a disability and the special education and related services the student may need.

511 IAC 7-25-3(j) by failing to ensure that information obtained from various sources, including information provided by the parent, is documented and carefully considered by the case conference committee (CCC) to determine an appropriate individualized education program (IEP).

### **FINDINGS OF FACT:**

1. The student (Student) is 9 years old and was determined eligible for special education and related services as a student with a mild mental disability and a communication disability when enrolled in the pre-school program.
2. The IEP dated May 12, 1999, documents that the Student was evaluated, and found to be functioning in the low average range, no longer requiring services from the mild mental disability program, but continued to be eligible for speech/language services. The Student was evaluated on March 2, 2001, and the evaluation documented that current needs would be determined at the CCC meeting. On May 30, 2001, the CCC determined the Student was still eligible for speech/language services. On March 21, 2002, the CCC agreed that the Student would be dismissed from speech/language services. The Complainant signed a change of placement form on March 21, 2002, agreeing with the Student's declassification.
3. An independent evaluation dated July 2, 2002, was obtained by the Complainant, and considered by the CCC on October 1, 2002. The evaluation report included a recommendation suggesting that the Student be referred for speech and language based services. The CCC Report dated October 1, 2002, documents that the CCC considered the recommendation, but concluded that the Student was not eligible for further speech services. The CCC Report states that the Complainant "agreed that a 504 Plan would be appropriate for [Student] at this time." The 504 Plan was implemented on November 6, 2002.

### **CONCLUSIONS:**

1. Finding of Fact #2 establishes that the School evaluated the Student in a timely manner on two different occasions, and the CCC convened and discussed the evaluation results. The CCC determined on March 21, 2002, to declassify the Student and the Complainant signed the change of placement form. Therefore, a violation of 511 IAC 7-25-3 is not found.
2. Finding of Fact #3 reflects that the CCC considered information provided by the Complainant at the CCC meeting on October 1, 2002. Therefore, a violation of 511 IAC 7-25-3(j) is not found.

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**